

FILED IN OPEN COURT  
ON Nov. 18, 2011  
Dennis P. Iavarone, Clerk  
US District Court  
Eastern District of NC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:07-HC-2072-D

UNITED STATES OF AMERICA,                     )  
                    Petitioner,                     )  
   )  
                    v.                                     )  
   )  
JOSEPH I. FRANK,                                 )  
                    Respondent.                     )

STIPULATION OF FACTS

It is agreed to by the Respondent, Joseph I. Frank, his counsel Edwin C. Walker, Assistant Federal Public Defender, and counsel for the United States, G. Norman Acker, III, Assistant United States Attorney; that the following facts are true and accurate to the best of the knowledge of all of the parties; and that the Respondent specifically states the following:

1. Respondent Joseph I. Frank, is in Bureau custody at the Federal Bureau of Prisons, Federal Correctional Institution, Butner, North Carolina, pursuant to certification under 18 U.S.C. § 4248.

2. The Respondent was certified as a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248 on April 13, 2007.

3. He was sentenced to a 78-month term of imprisonment and a 5-year supervised release, following his conviction for 2 counts of Aggravated Sexual Act, in violation of 18 U.S.C. §§ 1153 and 2241<sup>(c)</sup> (E.D.Wash.) (Case No. 2:01CR00090-001).

4. His original release date was April 17, 2007.

5. The Respondent has attempted or engaged in acts of child molestation or sexual violence in that:

A. On July 25, 2002, the Respondent pled guilty to charges that on or about May 4, 2001, the Respondent sexually molested three children under the age of 13 over the previous three years.

B. On May 31, 2001, Respondent was sentenced to 360 days in jail (267 days suspended) based on a guilty plea of taking Indecent Liberties. According to Criminal records, Respondent took his niece and three children fishing. The victim (his niece) returned home crying and told her father that the Respondent "raped" her.

C. In 1991, Respondent was convicted of disorderly conduct after being observed having sexual relations with a dog. He was sentenced to 90 days in jail and placed on probation.

D. On February 22, 1989, Respondent was charged with First Degree Child Rape in Spokane County Superior Court. According to official records, he had sexual intercourse with a nine-year-old girl. He was convicted of the offense and sentenced to 30 days' detention and two years community supervision.

6. The Respondent suffers from at least the following serious mental illnesses, disorders or abnormalities: (1) Pedophilia, Sexually Attracted to Females and Males, Nonexclusive Type, (2) Inhalant Dependence, in a Controlled Environment (3) Alcohol Depended, in a Controlled Environment, (4) Depressive Disorder NOS, and (5) Antisocial Personality Disorder.

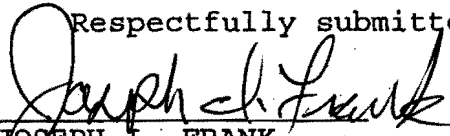
Paraphilias are defined in the DSM-IV-TR as "recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving: 1) nonhuman objects; 2) the suffering or humiliation of oneself or one's partners; and 3) children or other nonconsenting persons, that occur over a period of at least six months." These are serious mental disorders, illnesses and abnormalities as defined within 18 U.S.C. §§ 4247 and 4248.


7. As a result of these diagnosed mental illnesses, abnormalities and disorders, the Respondent admits that he will have serious difficulty refraining from sexually violent conduct and/or child molestation if released from the custody of the Bureau of Prisons.


A. In sum, Mr. Frank will have serious difficulty refraining from sexually violent conduct or child molestation. He experiences a strong sexual attraction to children that will cause him to have serious difficulty in refraining from sexually violent conduct (child rape) and child molestation if released.

Accordingly, the parties agree that voluntary entry into civil commitment is appropriate for the Respondent.

J.F.  
18 ~~AND~~ JAC (for Ed Walker)  
Respectfully submitted this 14th day of November, 2011.

  
JOSEPH I. FRANK  
Respondent

  
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